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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,237	10/22/2001	Bruno Fognini	GR 99 P 9809	8512
24131	7590	04/29/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480				LEE, TIMOTHY L
ART UNIT		PAPER NUMBER		
		2662		

DATE MAILED: 04/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/033,237	FOGNINI ET AL.
	Examiner Timothy Lee	Art Unit 2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Burnett et al. (US 5,870,080).
3. Regarding claim 1, Burnett et al. discloses a computer peripheral that combines an EM transceiver and a computer pointing device in the same housing. Fig. 1 shows the computer 100 (terminal) with a mouse 120 (peripheral) and a printer 140 (partner appliance). See col. 4, line 27-28. The mouse 120 has a housing 122 and a cable 126 (first channel) connecting it to the computer 100 (interface unit for connecting the first channel and the second channel to the terminal). See col. 4, lines 28-35. The computer 100 sends electrical signals representing commands and data for the printer via the cable 126 to the transceiver. The transceiver converts the electrical signals into EM pulses 128 and broadcasts the pulses 128 to the printer 140 by means of the sensor/emitter 124 (a transmission/reception unit and an antenna connected to said transmission unit for wirelessly connecting to the at least one partner appliance via the second channel). See col. 4, lines 37-40.

4. Regarding claim 2, Burnett et al. discloses that the EM communications can use any portion of the EM spectrum, and 2.4 GHz is part of the EM spectrum.

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5. Regarding claim 4, Burnett et al. discloses that signals from the transceiver 121 and from the mouse circuitry 123 are fed into the serial multiplexer/demultiplexer circuit 129, so that the two signals can be interleaved. The signals can be multiplexed in a variety of ways. See col. 5, lines 38-62.

6. Regarding claim 5, Burnett et al. also discloses that the pointing device 133 and the transceiver 131 circuits are USB compatible. See col. 5, line 63-col. 6, line 14.

7. Regarding claim 7, as mentioned previously, Burnett et al. discloses that the mouse is connected to a computer (a data processing system).

8. Regarding claim 8, as mentioned previously, Burnett et al. discloses that the transceiver is included in the mouse.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett et al. and in light of the rejection to claim 1.

11. Regarding claim 3, Burnett et al. does not expressly disclose using a protocol based on the 802.11 standard. However, it is well-known in the art that different network modules can be connected into a network using the 802.11 protocol. Thus, it would have been obvious to use the 802.11 protocol in communicating between the mouse and the printer in Fig. 1 of Burnett et al..

One would have been motivated to do this because using 802.11 would allow communication with other devices as well, adding more functionality to the system.

12. Regarding claim 6, Burnett et al. does not expressly disclose where the partner appliance is similar to the terminal that is connected to the mouse. However, it would have been obvious to have a computer system take the place of the printer in Fig. 1 of Burnett et al.. One would have been motivated to do this because this would allow two different users to communicate wirelessly over a network to each other.

13. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett et al. in view of Brendzel et al. (US 5,706,031) and in light of the rejection to claim 1.

14. Regarding claim 9, Burnett et al. does not expressly disclose where the mouse includes telephone receiver capabilities. Brendzel et al. discloses a mouse that may have wireless connections to both the computer and telephone network. See col. 1, lines 36-37. When the mouse is used in a wireless configuration, battery 110 is used to provide electrical power to the circuitry located in mouse 16 (energy storage device). See col. 4, lines 36-42. Brendzel et al. also discloses where the mouse can communicate wirelessly with the telephone network, where a user can use the keypad on the mouse itself to dial (a voice link can be set up...without using the first channel). See at least col. 4, lines 7-10. A user can also use the mouse to click on icons on the screen to dial (a voice link can be set up using the first channel). See col. 5, lines 3-4. In order to use the screen to dial, the computer must be turned on (the voice link can be set up when the data processing system is switched on). Neither Burnett et al. nor Brendzel et al. expressly discloses where the mouse can set up the voice link with the computer being off. However, it would have been obvious to: (1) include the telephone mouse functionalities of Brendzel et al.

into the mouse of Burnett et al. and (2) be able to operate the telephonic mouse of Brendzel et al. when the computer is turned off. One would have been motivated to do (1) because there is no need for a separate phone with the phone circuitry contained in the mouse, thus saving on desktop space. One would have been motivated to do (2) because being able to make the call from the mouse without the computer being turned on would save on power. All of the telephone circuitry is contained in the mouse, so there really is no need for interaction with the computer to make the call. From the description of Brendzel et al., it appears that the main function of the computer when making a call is to provide for a visual display of the buttons being depressed so that the user can stay oriented with the position of the keys. See col. 4, lines 57-65. Because the computer is there mostly for convenience, the system of Brendzel et al. still would have been able to connect a call with the computer turned off.

15. Regarding claim 10, as mentioned previously, the mouse of Brendzel et al. contains control elements to make a phone call.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Esterson (US 6,633,583), Nguyen (US 6,219,730), and Yang (US 5,999,798) disclose peripherals that can communicate through wireless means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Lee whose telephone number is (703)305-7349. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703)305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLL
Timothy Lee
April 19, 2004



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